

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:12CR00085-001D

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CONSENT ORDER
)
BENJAMIN FRANKLIN PASS,)
)
Defendant.)

The United States of America ("United States"), by and through the United States Attorney's Office for the Eastern District of North Carolina, and the Defendant, Benjamin Franklin Pass, individually and as an authorized representative of and on behalf of P & W Oil Services, Inc. (herein "P&W"), with the concurrence of the Defendant's Attorneys, Jennifer A. Dominguez and Katherine Shea, by signing below, have stipulated and consented to the following:

1. That a judgment was entered against the Defendant on July 16, 2014. The uncontested amount of restitution against the Defendant personally is \$538,857.00.
2. That the defendant transferred substantial assets (as outlined in the Pre-Judgment Payment Plan and made a part of this Consent Order as if fully set out herein and attached hereto as Exhibit A) from himself and

from P&W to various parties for less than adequate consideration, in an attempt to conceal the assets from the United States and in an attempt to hinder, delay, or defraud the United States.

3. That the Defendant has agreed he will use his best efforts to cooperate with the United States to set aside those transfers, or to obtain judgments against those individuals to whom he made such transfers.

THEREFORE, in order to effectuate the agreements set out in the Pre-Judgment Payment Plan attached hereto as Exhibit A, and with the consent of the parties it is hereby ORDERED:

1. The Defendant shall use his best efforts to cause any property in his possession or being held by others on his behalf to be delivered to or turned over to the U. S. Marshals Service.
2. To the extent that the United States Marshals Service comes into possession of any real or personal property of the Defendant, through writs of execution or otherwise, the Marshals Service is hereby authorized to sell such property through any commercially reasonable means and on terms acceptable to the United States Marshal; and all net proceeds from such sale will be applied to the restitution after the U. S. Marshals Service recovers all costs and expenses.

3.... The Defendant will promptly sign any and all Deeds and titles reasonably necessary to effectuate the Pre-Judgment Payment Plan, as requested by the United States.

4. The United States Attorney is hereby authorized to collect any money that is owed to the Defendant, in accordance with the terms of the Pre-Judgment Payment Plan; and any sums collected by the United States Attorney shall be promptly paid directly to the U.S. District Court to be applied to the Defendants restitution.

5. Consistent with the Judgment entered in this case, the Defendant will be required to make payments through the Inmate Financial Responsibility Program during his period of incarceration. This Order does not prohibit the United States from exercising any other collection efforts allowed by law, including without limitation the Treasury Offset Program. Defendant will continue to cooperate fully and completely with the United States and will voluntarily provide information and assistance in collecting against any and all third parties to whom he may have transferred assets, until such time as the restitution is paid in full.

SO ORDERED. This 19 day of February 2015.


JAMES C. DEVER III
Chief United States District Judge

CONSENTED TO:

G. Norman Acker, III
G. NORMAN ACKER, III
Assistant United States Attorney

Katherine Shea
KATHERINE SHEA
Attorney for Defendant

Jennifer A. Dominguez
JENNIFER A. DOMINGUEZ
Attorney for Defendant

Benjamin Franklin Pass
BENJAMIN FRANKLIN PASS
Defendant